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COMMITTEE ON THE ELIMINATION OF
RACIAL DISCRIMINATION

REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9
OF THE CONVENTION

Eleventh periodic reports of States parties due in 1998

Addendum

Guinea*

[1 September 1998]

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* This document contains the second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth and eleventh periodic reports submitted in one document, due on 13 April 1980, 1982, 1984, 1986, 1988, 1990, 1992, 1994, 1996 and 1998 respectively. For the initial periodic report and the summary records of the meetings at which the Committee considered these reports, see documents CERD/C/15/Add.1 and CERD/C/SR.369.

The information submitted by Guinea in accordance with the consolidated guidelines for the initial part of the reports of States parties is contained in the basic document HRI/CORE/1/Add.80/Rev.1.

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CONTENTS

	Paragraphs	Page
Introduction	1 - 7	3
ARTICLE 2	8 - 16	4
ARTICLE 3 - Segregation and apartheid	17 - 19	5
ARTICLE 4 - National legislation concerning discrimination	20 - 21	5
ARTICLE 5 - Establishment of rights	22 - 100	5
A. Civil and political rights	22 - 59	5
1. Right to equality before the courts	23	6
2. Right to security of person	24 - 25	6
3. Political rights	26 - 35	6
4. Other civil rights	36 - 59	7
B. Economic, social and cultural rights	60 - 100	10
1. Right to work, remuneration, social security, and right to form trade unions	60 - 68	10
2. Right to housing	69 - 73	12
3. Right to health, medical care and social services	74 - 87	13
4. Right to education and vocational training	88 - 97	15
5. Right to cultural activities	98	20
6. Right of access to public places and services	99 - 100	20
ARTICLE 6 - Right to go to court	101 - 103	20
ARTICLE 7	104	21
Conclusion	105 - 110	21

Introduction

1. This report deals with measures to give effect to articles 2-6 of the International Convention on the Elimination of All Forms of Racial Discrimination, which was adopted by General Assembly resolution 2106 A (XX) of 21 December 1965 and entered into force on 4 January 1969. The Republic of Guinea signed the Convention on 24 March 1966 and ratified it on 14 March 1977.

2. This report is a consolidation of nine periodic reports which should have been submitted at two-year intervals since 1980. The first (initial) periodic report is dated 5 January 1978 (CERD/C/15/Add.1). The general arrangement of this report follows the main guidelines concerning the form and content of reports to be submitted by States parties in accordance with article 9, paragraph 1, of the Convention (CERD/C/70/Rev.2).

3. The core document forming the initial part of the reports of States parties to international human rights instruments (HRI/CORE/1/Add.80/Rev.1 dated 1 September 1998) gives an overall picture of the Republic of Guinea, together with information on the country's political structure and the general legal framework for the protection of human rights. It also contains a brief outline of the demographic and ethnic composition of the population (paras. 3 and 7) and sketches the main developments of Guinea's political history from independence on 2 October 1958 to date (paras. 9-29).

4. The most important measure to give effect to the provisions of the Convention is the pre-eminent place accorded to international treaties in the hierarchy of legal norms in Guinea. In this hierarchy, treaties prevail over domestic statutes. Upon publication, duly approved and ratified treaties and agreements acquire an authority superior to that of statutes, subject to reciprocity as laid down in article 79 of the Constitution.

5. It therefore follows that a legal or regulatory provision which runs contrary to a treaty provision must be amended and adapted accordingly. A posteriori, anyone whose rights have been violated or ignored is entitled to seek redress in the courts.

6. The intention behind title II of the Constitution of December 1990, which deals with fundamental rights and freedoms, is not simply to give effect to the Convention but also to establish a genuine human rights culture in Guinea. This explains why the Guinean authorities encourage musicians, singers and performers to play a key role in promoting wider knowledge of regulations concerning human rights and fundamental freedoms.

7. A similar intention to give effect to the provisions of the Convention underlies the teaching of human rights in primary and secondary schools and at university. For Africans have a saying that "society's future is built in the heads of children".

ARTICLE 2

8. In Guinean constitutional law, the human person and human dignity are inviolable. The State has two obligations in this respect: the duty to respect and the obligation to protect the human person and human dignity.

9. The inviolability of the person is enshrined in article 8 of the Constitution, which proclaims the equality of all human beings before the law. In order to guard against discrimination, the Constitution recognizes that men and women have the same rights, specifying that "No one shall be privileged or disadvantaged for reasons of birth, ethnic group, language, beliefs or political, philosophical or religious opinions." This rule is duly observed in administrative practice.

10. In its criminal law, Guinea has made provision for and punishes the following racist acts under article 109 of the Criminal Code:

(a) Speeches, incitements or threats at public meetings or in public places advocating the predominance of one race or tribe in Guinea.

(b) Printed matter distributed, sold or exhibited at public meetings or in public places, and posters or placards exposed to public view, whose purpose is similar to that described in the previous paragraph.

11. Acts of regionalism are also punishable under criminal law. Article 110 of the Criminal Code characterizes this as "wilful action of the type listed in the previous article with the direct or indirect purpose of placing the interests of one or more individuals from a particular region of the national territory above the requirements of national unity".

12. This article is designed to ensure that national or local public authorities and institutions neither encourage nor collude in any kind of discrimination.

13. Article 111 of the Criminal Code prescribes a custodial sentence of between a year and 10 years for "any racist or regionalist act, including any racial, tribal or subversive propaganda".

14. As far as education and culture are concerned, efforts have been made to ensure that all ethnic groups have an equal opportunity to cultivate their language and develop whatever activities constitute their cultural identity. Each ethnic-cultural group is assigned equal air time on radio and television in order to broadcast information of a social, economic, cultural and political nature.

15. To ensure that individuals and social groups are protected and are able to exercise their fundamental rights and freedoms, article 96 of the Criminal Code stipulates that "When, as a result of riotous assembly, assaults or threats, citizens are jointly or severally prevented from exercising their rights ...", the guilty person or persons are subject to a custodial sentence of between six months and two years and forfeiture of their civic rights.

16. Domestic legislation extends to all areas of life in Guinea; no group or association is reported to have been organized on the basis of discriminatory criteria of any kind. There are, however, officially recognized civic associations in specific regions of the country. These unions or associations, which are non-profit-making and are established according to well-defined rules, aim to promote social and economic development in their respective areas. They are certainly not discriminatory, as is indicated by the fact that they unite people of different ethnic backgrounds living in the same region.

ARTICLE 3

Segregation and apartheid

17. The Guinean Government wholeheartedly condemns segregation and apartheid. Proceeding from a policy of respect for civil rights and the rights of peoples, it has discontinued all forms of cooperation with States which institutionalize racial discrimination in their system of government. Thus the International Convention on the Suppression and Punishment of the Crime of Apartheid of 30 November 1973 was signed by Guinea on 1 March 1974 and ratified on 3 March 1975.

18. Article 8 of the Constitution further specifies that "All human beings are equal before the law. Men and women have the same rights."

19. Any racist or regionalist attitude or behaviour is prohibited and punishable by law; once punishment has been served, the person or persons responsible can be compelled to reside in a place determined by ministerial order (arts. 109-112 of the Criminal Code).

ARTICLE 4

National legislation concerning discrimination

20. In addition to the relevant provisions of the Criminal Code, article 8 of the Constitution stipulates that "No one shall be privileged or disadvantaged for reasons of birth, race, ethnic group, language, beliefs or political, philosophical or religious opinions."

21. Guinean domestic law likewise protects all aliens who request asylum in Guinea because they are being persecuted on account of their political, philosophical or religious opinions, race or ethnic origin, or their intellectual, scientific or cultural work in defence of freedom (art. 11 of the Constitution).

ARTICLE 5

Establishment of rights

A. Civil and political rights

22. Through the effective enforcement of existing legislation and the adoption of new laws and regulations since the establishment of the

Second Republic, significant progress has been made in establishing the rights proclaimed in article 5 of the Convention. All legislation adopted in Guinea (the Constitution, the Civil Code, the Criminal Code, the Code of Criminal Procedure and the Code of Civil Procedure) enshrines the hallowed principle of universal equality before the law, including the right to equality before the courts. Other guarantees such as the right to legal defence have been adapted to favour the defendant at all stages of proceedings, regardless of the nature of the case.

1. Right to equality before the courts

23. Article 8 of the Constitution stipulates that "All human beings are equal before the law. Men and women have the same rights ...". The organization of the judiciary established by Ordinance No. 109/PRG/86 of 5 July 1986 offers all citizens an appropriate framework to defend and protect their human rights.

2. Right to security of person

24. Article 5 of the Constitution stipulates that "The human person and human dignity are sacred. It is the State's duty to respect and protect them ..." and article 9 states that "No one shall be arrested, detained or convicted except for the reasons and in the forms prescribed by law."

25. The courts are increasingly taking cognizance of cases involving violation of domicile, illegal imprisonment, false accusation and other serious crimes and offences against the physical and moral integrity of citizens. The provisions of the Criminal Code and article 12 of the Constitution protect individuals against all abuses by the authorities while also guaranteeing privacy of communications.

3. Political rights

26. Article 7 of Constitutional Law L/91/002 of 23 December 1991, which lays down a charter for political parties, requires that individuals wishing to found a political party should be natives of the four natural regions of Guinea. This requirement is intended to ensure that political parties have roots in all the natural regions of the country (as prescribed by the Constitution); if they cannot meet this requirement, they should at least have representatives in the different regions. This is one way of preventing the formation of regionally- or ethnically-based parties.

27. Article 20 of the same statute grants all lawfully constituted parties access to the national media.

28. There can be no doubt that political rights may be fully exercised in Guinea. This matter is covered by the Constitution. The Constitution has wisely provided for the enjoyment and exercise of this right within a multi-party framework.

Right to vote

29. Article 2, paragraph 4, of the Constitution specifies that "In accordance with criteria established by law, Guinean citizens of both sexes who have reached the age of majority and enjoy civil and political rights shall be eligible to vote."

30. Only political parties may field candidates at national elections. Candidates must be fielded nationwide and should refrain from identifying themselves with any race or ethnic group. They must also respect the principle of sovereignty and democracy (art. 3).

31. Articles 96-99 of the Criminal Code curb any action by voters, scrutineers or polling station staff aimed at preventing citizens from exercising their civil rights, falsifying ballot papers and engaging in the sale and purchase of votes.

32. Political rights are exercised by citizens on an ongoing basis through regular presidential, legislative, communal, neighbourhood and district elections. The fact that such elections are held at all is tangible proof of the participation of citizens in national political life and is a reliable indicator of the degree of political maturity displayed by the public in exercising their civic rights.

33. Article 2 of the Constitution confers the right to vote on all citizens who have reached the age of majority; article 20 imposes an obligation to take part in elections on every adult citizen.

34. Regarding the right to participate in public life, article 21 of the Constitution guarantees equal access to public-sector jobs. Reforms currently under way aim to decentralize public services in order to ensure broader participation in their management.

35. In addition, Ordinance 048/PRG of 8 October 1958 laying down the regulations governing the public service states in article 21, paragraphs 4, 6 and 7, that recruitment shall be by means of competitive examination on the basis of merit. This provision was updated by Ordinance 017/PRG/SGG of 23 February 1987 which lays down the general principles governing the public service.

4. Other civil rights

(a) Freedom of migration, settlement and asylum

36. Article 10 of the Constitution states that "All citizens have the right to establish residence and travel throughout the territory of the Republic, and to enter and leave it freely". Article 11 sets out the criteria for granting asylum by the Republic of Guinea. The freedom to migrate and settle is subject to regulation both at the subregional level (the Economic Community of West African States agreement) and the regional level (the Organization of African Unity (OAU)).

37. Guinea has acceded to the 1951 Convention relating to the Status of Refugees and has signed and ratified the OAU Convention governing the Specific Aspects of Refugee Problems in Africa. It is currently home to 630,000 refugees from Liberia and Sierra Leone who have fled the civil wars in those countries. The refugees reside and travel freely in Guinea. The same is true of aliens who reside in Guinea and engage in profit-making and other ventures. Considerable intermingling and familiarity with the local population has resulted in integration through marriages between refugees and local people.

38. Political exiles live freely and without disturbance in Guinea. Travel by Guineans both inside and outside the country is not subject to any restrictions. A general amnesty was proclaimed in 1988 for all persons tried or convicted for political offences. A number of former Guinean exiles have therefore returned to their homeland.

(b) Right to marry

39. As the natural foundation of society, marriage confers full legal capacity on an individual. Marriage is covered by articles 201-360 of the Guinean Civil Code of 1983. The basic criteria and form of marriage are prescribed by law. Articles 201-218 of the Civil Code regulate marriage certificates and official copies thereof; articles 280-294 define the criteria for entering into marriage.

40. Guinean law also regulates the marriage of Guineans living abroad and of aliens in Guinea (arts. 294-296 of the Civil Code). Objections to the celebration of a marriage are provided for in articles 297-304. The law considers certain marriages null and void when they are contracted in violation of the provisions of articles 280, 281 and 290 of the Civil Code. Such cases are defined in articles 305-314.

41. The reciprocal rights and duties of spouses are covered in articles 323, 324, 329 and 331 of the Civil Code. These are read to newlyweds by the registrar or representative of the appropriate authority at the marriage ceremony.

(c) Right of nationality

42. This right, by which the State is able to distinguish its citizens from those of other States, is vested in every citizen. Nationality is subject to considerable regulation under the Civil Code. In granting nationality, the law prescribes a judicious combination of jus soli and jus sanguinis.

43. Guinean law recognizes that every individual has the right to a nationality. It therefore regulates all aspects of this question regardless of whether nationality is acquired by descent (arts. 30-33 of the Civil Code) or determined by birth in Guinea (arts. 34-37 of the Civil Code).

44. The Civil Code distinguishes different criteria in respect of acquired nationality, namely:

(a) Acquisition of Guinean nationality by descent (arts. 46-48);

(b) Acquisition of nationality by marriage (arts. 49-55);

(c) Acquisition of nationality through birth and residence in Guinea (arts. 56-61);

(d) Acquisition of nationality by declaration of nationality (arts. 62-69);

(e) Acquisition of nationality by decision of the authorities (art. 69): naturalization and reintegration.

45. The same Code governs the forfeiture and loss of nationality and disputes concerning nationality.

(d) Right to property

46. In addition to the provisions of the Civil Code regulating and guaranteeing the right to property, article 13 of the Constitution states that "The right to property is guaranteed. No property may be expropriated unless in the lawful common interest, and subject to just and prior compensation". When expropriation of property is in the public interest, the State sees to it that the owner is compensated.

47. It should be stressed that, according to the Civil Code in its present form, the ownership of land and mineral resources is vested exclusively in the State. In this respect, the State is the owner and the citizen is the usufructuary.

48. The Code is currently being revised to adapt it to the new climate of liberalism.

49. A national commission for the restitution of confiscated property has been established pursuant to Ordinance No. 046/PRG/SGG/88 of 1 October 1988. Its purpose is to sort out cases involving confiscation and to return all illegally seized property to the rightful owners. The commission has been asked to examine and settle all disputes concerning property that was confiscated or plundered as a result of "political offences" or arbitrary decisions. The committee has restituted property to a number of Guineans and aliens living in Guinea who were victims of expropriation.

50. Confiscations pursuant to judicial or administrative decisions in respect of crimes and other serious offences under ordinary law are excluded from this jurisdiction.

51. The State respects and protects the property of citizens regardless of their ethnic background.

(e) Freedom of thought, conscience and religion

52. This freedom is recognized under Guinean legislation. It is fully enjoyed and exercised by the population. Freedom of opinion is enshrined as follows in article 7 of the Constitution:

"The individual is free to believe, think and profess his religious faith and political or philosophical opinions.

He is free to express, display and disseminate his ideas and opinions through speech, writing and images. He is free to educate and inform himself from sources that are accessible to everyone".

53. Of course, some restrictions on this freedom are provided for by articles 244-250 of the Criminal Code, which aim to safeguard the physical or moral integrity of others.

54. Article 1 of the Constitution sets forth the secular ethos of the State and its respect for all faiths; article 21 imposes on the State the duty to promote the well-being of its citizens and ensure pluralism of opinions and sources of information.

55. A period of national debate in May 1991 on the future of the media in Guinea has led to greater liberalization in this sector; since that time the State monopoly on information has come to an end and private-sector news organizations have emerged. An era of genuine pluralism of opinion has dawned. In July 1997, the State broadcasting organization was transformed into a broadcasting office which allows Guinean journalists greater freedom.

(f) Right of peaceful assembly and association

56. Article 10 of the Constitution states that "All citizens have the right of demonstration or procession. All citizens are entitled to form associations and societies to exercise their political, economic, social and cultural rights and activities in a collective manner".

57. Article 22, paragraph 3, of the Constitution does impose a restriction which stipulates that "Groups whose purpose or activity is unlawful, or which manifestly disrupt public order, may be disbanded".

58. Availing themselves of this right, numerous civic associations are frequently established in various parts of the country, as well as associations of economic operators in society, cultural associations (for example the Guinean Writers' Union), associations for nature enthusiasts, and so forth.

59. Political parties (of which there are 45 in Guinea) and numerous associations of a cultural, scientific, social or humanitarian nature currently perform various activities and contribute in their respective fields to the economic, social and cultural development of the country.

B. Economic, social and cultural rights

1. Right to work, remuneration, social security, and right to form trade unions

60. This area is mainly covered by article 18 of the Constitution which stipulates that "Everyone has the right to work. The State creates the necessary conditions for the exercise of this right".

"No one may be discriminated against in the workplace on account of his sex, race, ethnic origin or opinions. Everyone has the right to join the trade union of his choice and to uphold his rights through trade union action.

Every worker has the right to participate, through his delegates, in determining working conditions.

The right to strike is recognized. It is exercised in accordance with the laws which regulate it. On no account shall it interfere with the right to work. The assistance and protection to which workers are entitled are prescribed by law".

61. The law does not confine itself to recognizing this right; it also imposes the obligation to create appropriate conditions for the exercise thereof. Accordingly, in order to regulate the public, private and mixed sectors of the economy, the State has established a range of legal instruments applicable to employers and employees alike.

62. A Labour Code regulating conditions in the workplace has been instituted under Ordinance No. 003/PRG/SGG/88 of 28 January 1988. It provides an overall framework for every situation from the drafting of a labour contract to breach of contract and the consequences thereof.

63. It also regulates the formation of employers' unions (arts. 237-247) and trade unions (arts. 248-286), as well as the negotiation of collective agreements (arts. 294-237).

64. In addition, the Labour Code regulates the right to strike (arts. 328-341). The system of remuneration is based on equal pay regardless of sex. In this connection, article 206 stipulates that "Every employer must remunerate employees equally for the same work or work of equal value, regardless of background, sex or age, and in accordance with the conditions provided for in this title".

65. A Social Security Code guarantees and protects workers against possible occupational hazards. The following remarks apply equally to private- and public-sector employment in Guinea.

(a) Trends in private-sector employment

66. The number of private-sector employees fell from 17,483 in 1993 (including 477 aliens) to 14,868 in 1995. This decline is attributable to the effects of Ordinance No. 94/002/PRG/SGG of 8 January 1991 which gave employers the option of registering with the Employment and Labour Service. In contrast, Ordinance No. 70/PRG/SGG/86 of 7 March 1986 obliged job-seekers to register with this Service.

(b) Trends in public-service employment

67. The number of public-service employees was approximately 51,073 at the end of 1997 compared with 95,000 in 1986, representing a substantial reduction of some 46 per cent in line with the structural adjustment programme of the Bretton Woods institutions.

(c) Unemployment

68. Unemployment statistics are unavailable. However, it seems that the overall situation in the employment market is not encouraging. The State is still the principal employer. The limited capacity of the private sector to absorb labour does not offer sufficient opportunities to resolve this problem, which is exacerbated by the huge demand from recent graduates looking for first-time jobs.

2. Right to housing

69. Despite the State's sincere desire to promote the well-being of its citizens, scarce resources have meant that it is impossible to provide decent and satisfactory accommodation for everyone. Notwithstanding the State's efforts to promote a better quality of life for the less well-off inhabitants of Guinea's towns, results in this field have been far from encouraging.

70. The company for moderately priced accommodation (SOLOPRIMO), which was established on the initiative of the Department of Town Planning and Housing, has started to implement a wide-ranging programme of urban land development. The ultimate aim of this project, which goes by the name of "Parcelles assainies", is to build moderately priced housing. Technical and financial support from the United Nations system (the United Nations Capital Development Fund (UNCDF), the United Nations Development Programme (UNDP) and the United Nations Centre for Human Settlements (Habitat) (UNCHS)), and assistance from the World Bank, has enabled the Government to equip more than 3,000 plots with services in different areas of Conakry, the capital, during the initial phase of the programme.

71. As part of the campaign to make an inventory of plots and water holes organized by the Guinean Water Resource Development Company (SONEG) in 1990, dilapidated pipes have been renovated, a number of supply outlets have been installed and the capacity of the water supply system has been increased. Nevertheless, a number of towns and villages still lack a proper water supply. In order to rectify this deficiency, the State has established the Water Hole Development Company which sinks boreholes and develops well-heads, and also develops water holes in arid areas which lack drinking water. SONEG has also embarked on implementation of a programme to install 15,000 water supply outlets across Guinea.

72. The energy sector has a number of serious shortcomings resulting from inadequate infrastructure and a lack of capital investment. Facilities and equipment are for the most part antiquated or out of order for want of spare

parts. Although feasibility studies have been carried out, potential sites for hydroelectric dams remain undeveloped. Dam construction projects do not appear to interest financial backers. Yet the sector is vital for kick-starting Guinea's economy.

73. The energy shortage is the major drawback for any macroeconomic project because production is impossible without energy. On the other hand, energy costs impose a considerable burden on project financing and discourage investment. However, in 1996 the Government initiated a hydroelectric development project worth US$ 250 million on the Konkouré river with the financial assistance of development partners. Once implemented, this project will meet the energy requirements of nearly half Guinea's towns; the project is scheduled for completion at the end of 1998.

3. Right to health, medical care and social services

74. Health for all by the year 2000, the watchword of the World Health Organization (WHO), is the underlying principle of the Guinean Government's health-care policy. Accordingly, programmes have been initiated to extend health-care coverage as widely as possible throughout the country. These programmes include the extended vaccination programme, the primary health-care programme and the essential medicines programme. The State has promoted the opening of private clinics and pharmacies in prefectures and sub-prefectures throughout the country. However, it reserves the right to check the nature and quality of imported pharmaceuticals.

75. One reservation should nevertheless be made: in terms of staff, medicines, infrastructure and equipment, the Guinean health-care system is characterized by relatively sluggish development and uneven territorial distribution.

(a) Budget

76. Five per cent of the State's operating budget was allocated to the health-care sector in 1995. This is lower than the proportion recommended by WHO, but takes no account of money spent on health care by other ministries such as the Ministry of Agriculture, the Ministry of Education, the Ministry of Defence, and so forth. The low level of State participation in this sector is supplemented by direct funding from international organizations and NGOs.

(b) Infrastructure and equipment

77. The investment budget covers an extensive programme of renovating and equipping hospitals and building and renovating health centres. Of the 346 primary health centres which have been provided for, 173 were operational in 1990 as against 101 in 1989, an increase of 72 centres in one year.

78. As of 1997, the private health-care sector comprised 21 nursing and obstetric units, 53 doctor's surgeries, 214 private pharmacies (46 per cent of them in Conakry), 28 sale outlets and 4 medical and pharmaceutical promotion companies.

79. On average, 72 per cent of beds are occupied in hospital units, 51.8 per cent in prefecture hospitals and 64.7 per cent in district hospitals. The primary health-care network covers 3,477,000 people.

(c) Health workers

80. The total number of health workers was 5,630 in 1989, 6,645 in 1990 and 6,116 in 1997. The decline since 1990 is attributable to the consolidation of the public service initiated by the Government in 1996. The figure of 6,116 includes 895 doctors and dentists, 340 midwives, 43 biologists and biochemists, 193 pharmacists, 217 health technicians, 1,165 nurses, 63 assistant pharmacists, 62 laboratory technicians, 2,424 assistant health technicians and 614 contract workers. The regional distribution of these workers is fairly uneven: 29 per cent in Conakry, 22 per cent in Basse-Guinée, 17.3 in Moyenne-Guinée, 15.8 in Haute-Guinée and 17.9 per cent in Guinée-Forestière.

(d) State of health of the population

81. Estimated vaccination coverage in 1995 was as follows in areas served by health centres:

BCG	78
DTP3	73
Poliomyelitis 3	73
Measles	69
Tetanus 3	60

82. Health indicators show that the state of health of the population has improved in recent years. However, the mass influx of sick and deprived refugees from Liberia and Sierra Leone has meant that some health centres, especially in frontier regions, have been swamped. There is also an increased risk of malnutrition and vitamin deficiency. If this situation persists, it could undermine the development of the Guinean health-care system.

83. At the same time, Guinea greatly appreciates the assistance provided by a number of foreign NGOs such as Médecins sans Frontières in dealing with the refugees in the country. In addition, a national commission to help the Government devise and implement social policy was established in August 1990.

84. Nationwide campaigns sponsored by international organizations such as WHO and the United Nations Children's Fund (UNICEF) are currently under way to vaccinate children against epidemic and endemic diseases.

85. A special centre for disabled people has been in operation in Conakry since 1976.

86. NGOs of an exclusively social nature, such as the Guinean Association for Family Well-Being (AGBF) and the Association of Guinean Graduates of the École Normale Supérieure (ANANG), are scattered throughout the country.

87. Additional information about the health-care situation in Guinea can be found in the initial report to the Committee on the Rights of the Child (CRC/C/3/Add.48, 17 June 1997; chap. VII).

4. Right to education and vocational training

88. Everyone has the right to education and instruction. No form of discrimination or restriction is permissible. On the contrary, in accordance with article 21 of the Constitution, the State establishes conditions and institutions enabling everyone to receive an education. It guarantees freedom of instruction and encourages the establishment of private schools.

89. Schools are poorly attended despite the fact that instruction is free of charge. Ongoing awareness-raising campaigns conducted through personal contacts and the media are intended to break down the rural population's mistrust of schools. The following picture emerges from a study of the trends in this sector: overall, the education and training sector has seen major improvements, especially as regards the number of primary-school teachers, the number and training of secondary-school teachers, and school infrastructure.

90. The education-sector adjustment programme (PASE), which was launched in 1990 with the assistance of a number of financial backers, provides the Government with significant logistical support. Extra bonuses have been paid to improve teacher motivation still further. The following developments have occurred at the various levels of the education system.

(a) Primary education

91. The total school population in the academic years indicated was as follows (see table 1):

- 1989-1990: 310,064 pupils, including 95,924 girls; 1996-1997: 649,835 pupils, including 233,415 girls. In 1989-1990, the crude enrolment rate was 28.61 per cent (17.35 per cent for girls); in 1996-1997, it was 50.46 per cent (35.53 per cent for girls).

- In 1989-1990, there were 2,401 schools and 7,615 classes; in 1996-1997 there were 3,534 schools and 13,836 classes.

- The ratio of pupils to classes was 41 in 1989-1990 and 47 in 1996-1997.

- In 1989-1990, there were 8,140 teachers, of whom 1,817 were female; by 1996-1997, this total had risen to 13,234 of whom 3,281 were female.

- The teacher-to-pupil ratio was 38 in 1989-1990 compared to 49 in 1996-1997.

The significant improvement in the figures cited demonstrates the seriousness of the efforts being made by the State to promote basic education in the country. As far as private education is concerned, the total school population increased from 7,008 pupils, in 1989-1990 to 26,335 in 1996-1997.

Table 1

Primary education

Years	Population eligible for enrolment	Population enrolled			Crude enrolment rate %		Total		Pupil/class ratio	No. of teachers		Pupil/ teacher ratio
		Total	Girls	% Girls	Total	Girls	Schools	Classes		Total	Female	
1989/90	1 083 913	310 064	95 924	30.94	28.61	17.35	2 401	7 615	41	8 140	1 817	38
1990/91	-	-	-	-	31.80	19.37	-	-	-	-	-	-
1991/92	-	-	-	-	31.96	19.60	-	-	-	-	-	-
1992/93	-	-	-	-	36.53	23.06	-	-	-	-	-	-
1993/94	-	-	-	-	40.14	25.71	-	-	-	-	-	-
1996/97	-	649 835	233 415	36	50.46	35.59	3 534	13 836	47	13 234	3 281	49

(b) Secondary education

92. The secondary-school population increased significantly in 1993-1994, when there were 108,459 pupils compared to 71,970 in 1989-1990. In 1995-1996 there were 127,517 pupils, of whom 32,046 or 25.13 per cent were girls. The number of classes increased from 1,591 in 1990 to 2,090 in 1993-1994. The figure for 1995-1996 was 2,271. In 1989-1990 there were 3,904 teachers; in 1995-1996 the total was 4,690, including 580 women, or 12.36 per cent of the total compared to 11.5 per cent in 1989-1990. Teachers' skills have also improved.

(c) Technical and vocational education

93. The development of technical and vocational education since 1989-1990 has been impressive (see table 3): at that time, there were 7,313 students including 2,110 females, or 28.25 per cent of the total. As a result of the education-sector adjustment programme, the number of students increased to 8,390 in 1995-1996. This figure included 2,560 female students, or 30.51 per cent of the total. The number of institutions has also increased to accommodate the larger school population. In 1995-1996 there were 50 schools as against 42 in 1989-1990. In 1995-1996 there were 271 classes in vocational schools compared with 266 in 1989-1990.

(d) Higher education

94. The decline in the number of students attending higher educational establishments which started in 1984-1985 continued until 1990-1991; there were 6,245 students in 1989 and 5,455 in 1990. Since 1991, however, the Ministry of National Education has focused its efforts on the effective implementation of the education-sector adjustment programme. Results to date have been encouraging and have impressed a number of African countries which have sought to emulate them. These efforts are credited with reversing the decline in student numbers during the period 1991-1996. The number of students attending higher educational establishments in 1996 amounted to 8,622, of whom 871 were female. In the same year, the total number of university teachers and research students stood at 1,001, 44 of whom were women.

(e) Other aspects of education in Guinea

95. The Government has decreed that uniforms must be worn throughout the education system with a view to eliminating the gap between rich and poor and the difference between the towns and the countryside.

Table 2

Secondary education

		1989/1990	1990/1991	1991/1992	1992/1993	1993/1994	1994/1995	1995/1996
Pupils	Total	71 970	75 674	87 975	97 533	108 459	120 232	127 517
	Girls	17 453	17 739	20 905	23 703	26 444	30 017	32 046
	% Girls	24.25	23.24	23.76	24.30	24.38	24.97	25.13
Teachers	Total	3 904	4 846	4 572	3 417	3 629	4 198	4 690
	Female	449	622	644	522	510	493	580
	% Female	11.5	12.84	14.09	15.28	14.05	11.74	12.36
Total No. of schools	Schools	226	230	235	244	252	300	306
	Classes	1 591	1 611	1 897	1 988	2 090	2 151	2 271

Table 3

Vocational education

		1989/1990	1990/1991	1991/1992	1992/1993	1993/1994	1994/1995	1995/1996
Students	Total	7 313	10 268	9 475	9 878	7 918	8 569	8 390
	Female	2 110	3 190	2 883	2 740	2 276	3 013	2 560
	% Female	28.85	31.07	30.43	27.74	28.74	35.16	30.51
Teachers	Total	1 136	1 130	1 221	1 056	1 056	1 268	1 041
	Female	69	103	70	79	70	115	80
	% Female	6.07	9.12	5.73	7.48	6.36	9.07	7.68
Total No. of schools	Schools	42	47	50	50	50	55	50
	Classes	266	268	269	336	302	326	271

96. The curriculum includes civic education courses which aim to acquaint students with legislation and public institutions so that everyone can learn about their rights and responsibilities while respecting those of others. This process implants a genuine human rights culture and fosters patriotism.

97. More information about primary and secondary education can be found in Guinea's initial report to the Committee on the Rights of the Child (CRC/C/3/Add.48, 17 June 1997, chap. VI.A).

5. Right to cultural activities

98. There is a widely held view in Guinea that culture is an expression of civilization and cannot be monopolized. It is the common heritage of the whole of society. National dance troupes project the image of Guinean culture abroad, and there are numerous cultural troupes and entities which organize and promote widespread enjoyment of cultural activities. Encouragement of diversity is the norm. The State, acting through the National Culture Authority, provides an impetus to cultural activities. The national media are involved as closely as possible in disseminating and fostering all forms of Guinean culture (variety and diversity). This policy explains the success enjoyed by Guinean cultural organizations and troupes abroad.

6. Right of access to public places and services

99. Everyone residing in Guinean territory has the right of access to public places and services. By their nature and intention, public services are used by everyone without any form of discrimination. By law, all citizens have the right to freedom of movement and the right to frequent public places without interference.

100. However, access to certain public places is subject to special regulation because of their specific function, for example the taxes levied by the State or management at certain premises such as stadiums, bus stations, markets, and the like. In addition, the State may prohibit or restrict public access to certain sites for reasons of national security or public health. The right of access to public places and services is unrestricted provided that citizens do not exercise it improperly.

ARTICLE 6

Right to go to court

101. The right of every person to go to court to assert or protect his rights is a fundamental human attribute. Moreover, it includes the legal capacity of every individual. Discrimination in this matter does not exist in Guinea.

102. The judicial system, which is the preferred structure for exercising this right, has been reorganized in accordance with Ordinance No. 109/PRG of 8 July 1986. It includes stipendiary magistrates in each prefecture, six courts of first instance, two courts of appeal, a Supreme Court and courts of limited jurisdiction. A bar renders assistance to litigants. The State offers free legal aid to the poor.

103. Article 9 of the Constitution, which guarantees this right, states that "Everyone has the imprescriptible right to assert his rights against the State by bringing the matter to court, and everyone has the right to a fair trial in which the right to defend oneself is recognized and guaranteed." Trials must be held with the utmost respect for legality and the law provides for time restrictions on the work of the investigative and prosecuting organs.

ARTICLE 7

104. The following remarks refer to the sections concerning article 5 of the Convention (see paras. 22-100 above).

Conclusion

105. Guinea has made considerable progress in observing, safeguarding and promoting human rights as a duty of the State.

106. In accordance with its secular ethos, the State observes the principal religious holidays of Christianity and Islam alike. Radio and television devote air time to religious programming of all faiths.

107. A few years ago, Guinea was a major "exporter" of refugees. Since the establishment of a State based on the rule of law, the separation of the three branches of government and the institution of real judicial independence, a relationship of peace and trust has been forged between the State and its citizens. This relationship explains why over 630,000 refugees, victims of the wars in Liberia and Sierra Leone, have sought shelter in Guinean territory since 1989. Wherever they have settled in Guinea, the refugees have benefited from support provided by local people.

108. In criminal law as in politics, discrimination on grounds of race, sex, language or social status does not exist in Guinea. History, coexistence in the same territory, and intermingling as a result of marriage and other social activities form a counterweight to all forms of discrimination.

109. The State watches over the maintenance and strengthening of national unity through various measures and forms of regulation.

110. The aim of the Guinean authorities, as the Constitution makes plain, is to establish and continually strengthen a genuine culture of human rights in the country.